

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Isaac Goodman, Jr., also known as)	
Isaac Goodwin,)	C/A No. 3:18-3362-MBS
)	
Plaintiff,)	
)	
vs.)	
)	OPINION AND ORDER
Leon Lott, C.L. Hudnell, Samuel Peay,)	
Warren B. Giese, Lawrence G. Wedekind,)	
Kathryn Luck Campbell, Alexander S.)	
Macaulay, Jill C. Andrews, Robert W.)	
Mills, and Bryan P. Stirling,)	
)	
Defendants.)	
_____)	

Plaintiff Isaac Goodman, Jr. is an inmate in custody of the South Carolina Department of Corrections (SCDC). He currently is housed at the Goodman Correctional Institution in Columbia, South Carolina. On December 12, 2018, Plaintiff brought this action against Defendants Leon Lott, C.L. Hudnell, Samuel Peay, Warren B. Giese, Lawrence G. Wedekind, Kathryn Luck Campbell, Alexander S. Macaulay, Jill C. Andrews, Robert W. Mills, and Bryan P. Stirling, asserting that his due process rights had been violated in connection with his arrest and conviction. Thus, Plaintiff brings this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling.

The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A, the Prison Litigation Reform Act, and applicable precedents. The Magistrate Judge determined that the complaint is subject to summary dismissal pursuant to Heck v. Humphrey, 512 U.S. 477 (1994), because Plaintiff's claims would implicitly call into question the validity of

Plaintiff's convictions. The Magistrate Judge further noted that, to the extent Plaintiff seeks release from prison, such relief is not available under § 1983. The Magistrate Judge observed that Defendants Hudnell, Peay, and Macaulay, as state court judges, are entitled to absolute judicial immunity from suit for all actions taken in their judicial capacities. The Magistrate Judge also noted that Defendants Giese, Wedekind, Campbell, and Andrews, as solicitors, are protected from Plaintiff's claims for damages by prosecutorial immunity. The Magistrate Judge determined that Defendant Mills, who apparently was Plaintiff's trial attorney, is entitled to summary dismissal because he did not act under color of state law. The Magistrate Judge further noted that Plaintiff had not made any specific allegations against Defendant Stirling, Director of SCDC, such that Defendant Stirling was entitled to summary dismissal.

Regarding any claims made by Plaintiff for false arrest and illegal search and seizure, the Magistrate Judge determined these claims are barred by the applicable statute of limitations, which expired around January 2003. The Magistrate Judge determined that Defendants Hudnell, Peay, Giese, Wedekind, Campbell, Macaulay, Andrews, Stirling, and Lott are entitled to Eleventh Amendment immunity in their official capacities. Finally, the Magistrate Judge determined that, to the extent Plaintiff is attempting to assert any state law claims, such claims should be dismissed. Accordingly the Magistrate Judge recommended that the complaint be summarily dismissed without prejudice and without issuance and service of process. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole

or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation and incorporates it herein by reference. The complaint is summarily dismissed, without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Charleston, South Carolina

March 8, 2019